



**FARMERS
BRANCH**

"BEST LIVING PLACE"

1
Red Lobster

ORDINANCE NO. 1534

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, AS HERETOFORE AMENDED, BY GRANTING A SPECIFIC USE PERMIT FOR A PRIVATE CLUB IN THE PD-16 (LR-2) ZONING DISTRICT AND LOCATED WITHIN THE BUILDING LOCATED AT 2833 L.B.J. FREEWAY; PROVIDING FOR CONDITIONS OF OPERATION, PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; AND DECLARING AN EMERGENCY.

Whereas, the City Plan Commission of the City of Farmers Branch and the governing body of the City of Farmers Branch, in compliance with the Charter of the City of Farmers Branch, and the State Law with reference to granting of a specific use permit under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Farmers Branch is of the opinion that said change in zoning uses should be made;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, be, and the same is hereby amended by amending the Zoning Map of the City of Farmers Branch so as to grant a specific use permit for a private club permitting the sale of alcoholic beverages, in the PD-16 (LR-2) zoning district.

SECTION 2. That the private club shall be located within the property designated as Lot 2, Block 1 of the Home Subdivision.

SECTION 3. That the private club shall be operated in accordance with the following provisions:

- a. No open service bar shall be permitted. All service shall be from a blind service area, out of the customer's sight. Alcoholic beverages, including beer and wine, shall not be served to customers from said service bar.
- b. Sales shall conform to a minimum of 60% food sales and a maximum of (40%) alcohol sales with verified reports of the sales being submitted to the City Secretary monthly, no later than the 10th day of each month, and annually no later than January 10th.
- c. No outside advertising, including signs, newspaper, other advertisements shall be permitted relative to the private club.
- d. No alcoholic beverages shall be sold after 10:00 p.m. on Sundays through Thursdays and 11:00 p.m. on Fridays and Saturdays.
- e. A site plan indicating the private club operations and use arrangement shall be submitted to and approved by the Planning and Zoning Commission and the City Council prior to any sale of alcoholic beverages within the restaurant. The site plan shall include the entire property including the inside and outside of the restaurant. The site plan shall include the placement of the service bars, kitchen, table and chair arrangement, and other equipment and furnishings necessary to determine the arrangement, methods, uses and operations within the restaurant and private club.
- f. The arrangement of tables, equipment, furnishings, operations, method of operation, kitchen, service bar, or uses shown on the approved site plan shall not be changed, revised or altered without City Council approval or with a revised site plan. Should the requirements established by the approved site plan be violated or altered either inside or outside of the restaurant, the specific use permit shall become invalid and terminated and the private club operation shall cease. The city shall notify the owner of the land or operator of the restaurant in writing of any such violation and the owner or operator shall have 15 days from delivery of same written notice to rectify same.
- g. There shall be no activities normally associated with "Happy Hour" conducted on the property. Those activities shall include, two drinks for the price of one, larger sizes than normally sold for the same price, free drinks for either sex, or any other similar activities.
- h. The property owners have voluntarily agreed to deed restrict the property through written and recorded deed restrictions so that in the event that the present operator or owner of Red Lobster Restaurant ceases using the property

for any reason or violates the conditions of the specific use permit, the alcoholic beverage sales will cease immediately and the specific use permit will immediately be terminated and deleted or otherwise made invalid and the restrictions shall make the City a party to the restrictions and shall give the City the right, but not the obligation, to enforce the restrictions so that both the property owners and the City shall have the ability to enforce the restrictions. Proof of the recorded restrictions must be filed with the City prior to commencing the Private Club Operation.

SECTION 4. That the private club shall be operated as a part of the restaurant operation at 2833 L.B.J. Freeway.

SECTION 5. That the owner of the property did voluntarily offer to deed restrict the property in favor of the City, limiting the use of subject property for a private club that serves alcoholic beverages to the City and said deed restrictions are acceptable and the City Administration is instructed to file same for record.

SECTION 6. That the above described property shall be used only in the manner and for the purpose provided by the Comprehensive Zoning Ordinance of the City of Farmers Branch as herein amended and by the granting of a specific use permit for a private club in the PD-16 (LR-2) zoning district.

SECTION 7. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, and upon conviction shall be punished by a fine not to exceed the sum of Two Hundred Dollars (\$200.00) for each offense.

SECTION 8. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

SECTION 9. In addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

SECTION 10. Whereas, it appears that the above described property requires that it be given the specific use permit in order to permit its proper use and development, and in order to protect the public interest, comfort and general welfare of the City of Farmers Branch, and creates an urgency and an emergency in the preservation of the public health, safety and welfare, and requires that this ordinance shall take effect immediately from and after its passage and publication of the caption of said ordinance as the law in such case provides.

DULY PASSED by the City Council of the City of Farmers Branch, Texas, on this the 17th day of December, 1984.

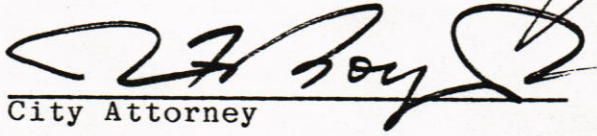
APPROVED:

A large, stylized handwritten signature in black ink, appearing to be "John C. Hill", written over a horizontal line.

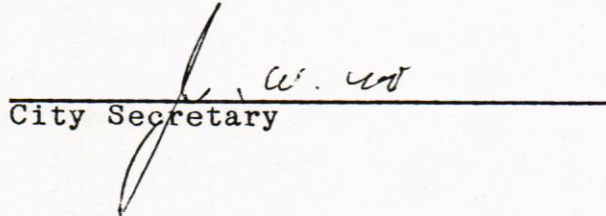
Mayor

APPROVED AS TO FORM:

ATTEST:

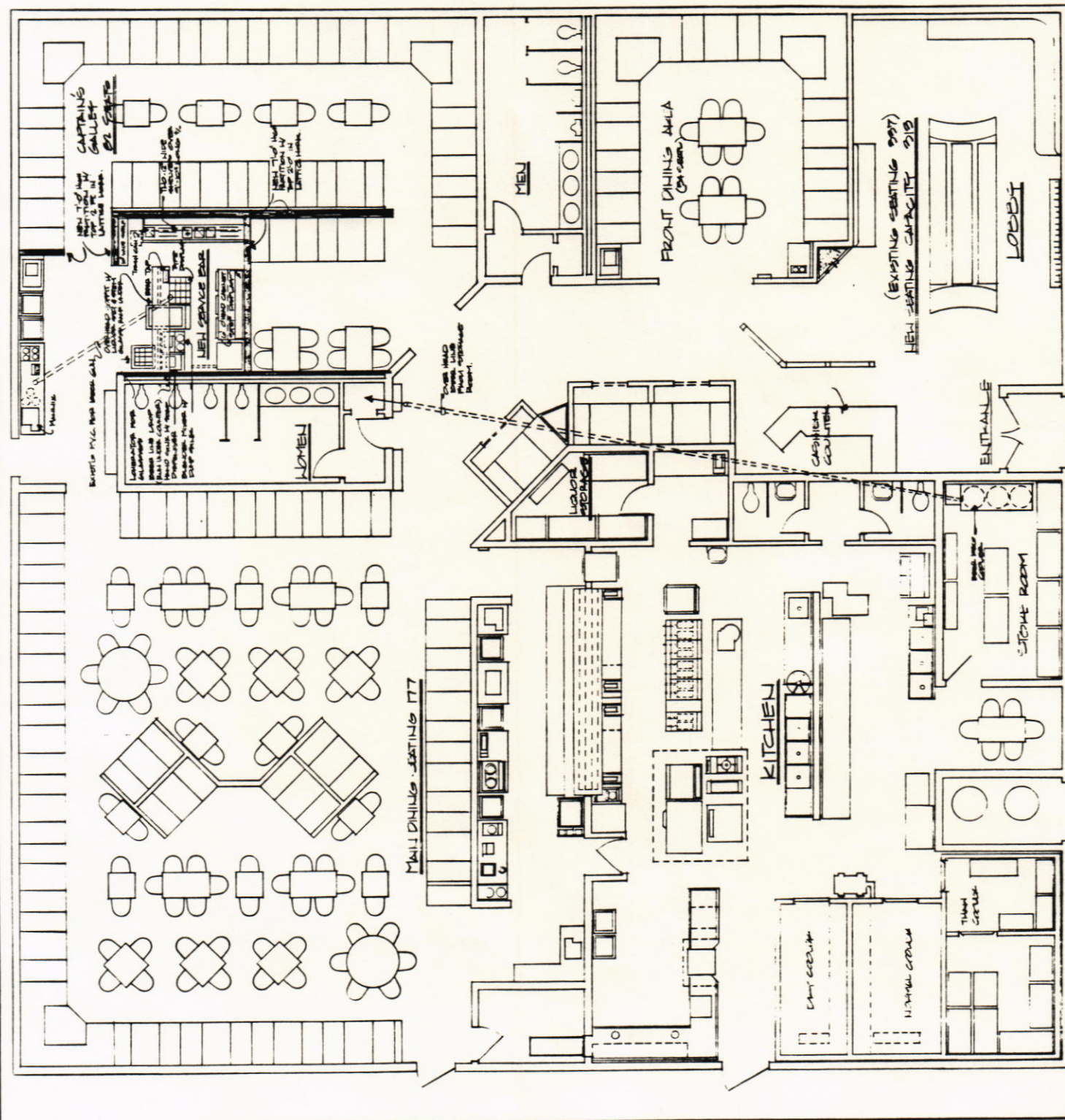
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City Attorney

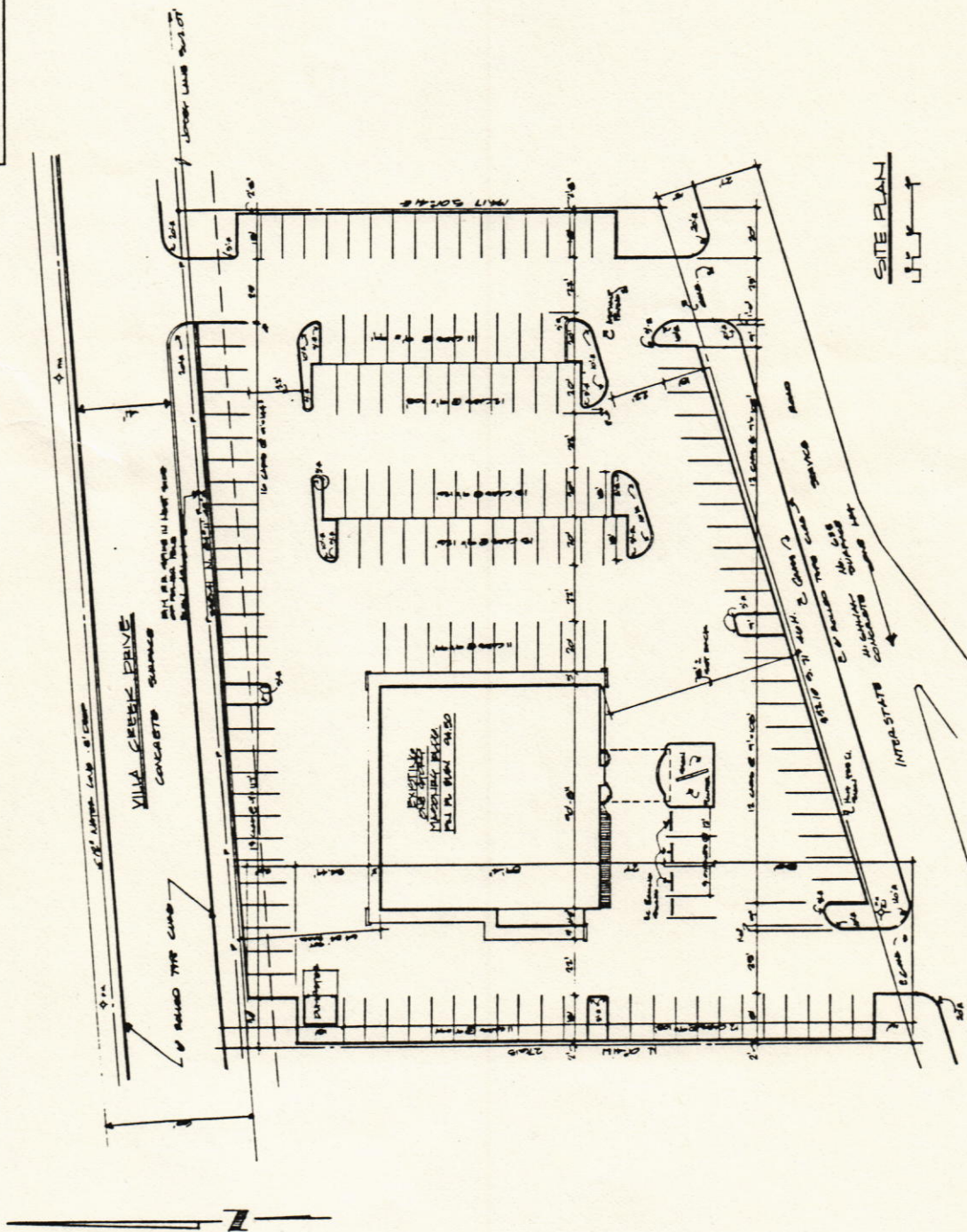
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City Secretary

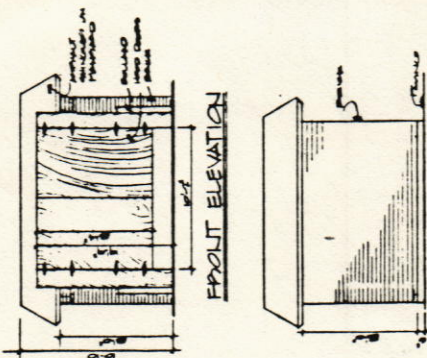
RED LOSTER #24
LEW. PROSPECT, PAMPHLET BUREAU
1451 1st St.
MONTREAL CANADIAN GALLERY
MONTREAL, QUEBEC
MONTREAL, QUEBEC



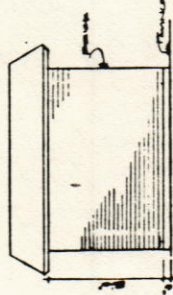
TOWN OF WESTPORT, Maine, do hereby certify that the above is a true and correct copy of the original of said petition, as the same appears on the records of said town, and that the same was duly filed for record in the office of the Town Clerk of said town, on the 11th day of March, A.D. 1915, at 10 o'clock, A.M.



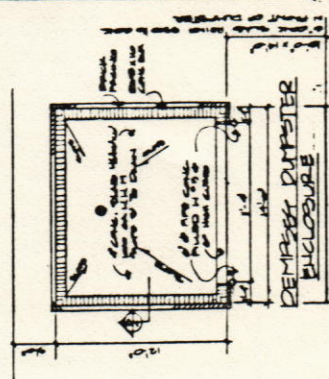
SITE PLAN



FRONT ELEVATION



SIDE ELEVATION
OF DAMPSTER ENCLOSURE



DEMIASZ DUMSTER
ENCLOSURE

DEO LOSTER # B4
L.A. HALL, MURDER, MURDER, MURDER

Red Lobster

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

STATE OF TEXAS)
)
COUNTY OF DALLAS)



WHEREAS, Lot 2 Joint Venture, hereinafter called the "Declarant" is the owner of all that certain real property ("Property") located in the City of Farmers Branch, Dallas County, Texas, described as follows:

A tract or parcel of land situated in the Isaac B. Webb Survey, Abstract 1574, Dallas County, Texas and being Lot 2 in Block 1 of Home Subdivision, an addition to the City of Farmers Branch, Texas, as recorded in the Map Records of Dallas County; and

WHEREAS, the said Property is leased for a term of years by the Declarant to General Mills Restaurant Group, Inc., d/b/a Red Lobster Restaurant, hereinafter called "Tenant"; and

WHEREAS, the City of Farmers Branch has by Ordinance No. 1534 granted a Specific Use Permit for a private club permitting the sale of alcoholic beverages in the PD-16 (LR-2) zoning district for the aforesaid Property; and

WHEREAS, one of the conditions of said Ordinance is that the owner of the Property deed restrict the same in favor of the City of Farmers Branch and setting out the provisions for the operation of the private club on the Property; and

WHEREAS, the Tenant wishes to evidence its consent and agreement to these deed restrictions by joining herein;

NOW, THEREFORE, it is hereby declared that the Property shall be held and operated subject to the following restrictions, covenants and conditions, which shall run with the Property and shall be binding on all of the parties having any right, title or interest in or thereto and which restrictions, covenants and conditions shall inure to the benefit of the Declarant and the Tenant and the City of Farmers Branch, Texas.

1. The private club shall be operated as a part of the restaurant operation at the Property, for which the mailing address is 2833 LBJ Freeway.

2. The private club for the service of alcoholic beverages shall be operated in accordance with the following provisions:

- a. No open service bar shall be permitted. All service shall be from a blind service area, out of the customer's sight. Alcoholic beverages, including beer and wine, shall not be served to customers from said service bar.
- b. Sales shall conform to a minimum of 60% food sales and a maximum of (40%) alcohol sales with verified reports of the sales being submitted to the City Secretary monthly, no later than the 10th day of each month, and annually no later than January 10th.
- c. No outside advertising, including signs, newspaper, other advertisements shall be permitted relative to the private club.

- d. No alcoholic beverages shall be sold after 10:00 p.m. on Sundays through Thursdays and 11:00 p.m. on Fridays and Saturdays.
 - e. A site plan indicating the private club operations and use arrangement shall be submitted to and approved by the Planning and Zoning Commission and the City Council prior to any sale of alcoholic beverages within the restaurant. The site plan shall include the entire property including the inside and outside of the restaurant. The site plan shall include the placement of the service bars, kitchen, table and chair arrangement, and other equipment and furnishings necessary to determine the arrangement, methods, uses and operations within the restaurant and private club.
 - f. The arrangement of tables, equipment, furnishings, operations, method of operation, kitchen, service bar, or uses shown on the approved site plan shall not be changed, revised or altered without City Council approval or with a revised site plan. Should the requirements established by the approved site plan be violated or altered either inside or outside of the restaurant, the specific use permit shall become invalid and terminated and the private club operation shall cease. The city shall notify the owner of the land or operator of the restaurant in writing of any such violation and the owner or operator shall have 15 days from delivery of same written notice to rectify same.
 - g. There shall be no activities normally associated with "Happy Hour" conducted on the property. Those activities shall include, two drinks for the price of one, larger sizes than normally sold for the same price, free drinks for either sex, or any other similar activities.
 - h. In the event that General Mills Restaurant Group, Inc., or the owner of the Red Lobster Restaurant located on the Property ceases using the Property for any reason or violates the conditions of the Specific Use Permit, said Ordinance 1534, and if such violation is not corrected within the notice period provided in paragraph f. above, the service of alcoholic beverages will cease immediately and the Specific Use Permit will immediately be terminated.
3. The City of Farmers Branch, Texas shall have the right, but not the obligation, to enforce the restrictions set out herein.
4. Proof of the recording of this Declaration shall be filed with the City of Farmers Branch prior to commencing the private club operation.
5. In addition to and cumulative of all other penalties, the City of Farmers Branch shall have the right to seek injunctive relief for any and all violations of its said Ordinance and the restrictions contained herein,.
6. The Declarant or the heirs, representatives, successors or assigns of the Declarant shall have the right to terminate this Declaration upon the termination or expiration of the lease of the Property to Tenant, by the expiration of time or otherwise, if no extension or new lease is entered into with the Tenant. This Declaration may be amended only with the consent of the Declarant, the Tenant and the City of Farmers Branch, Texas.

